



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/617,388 07/17/00 SPROUT

R 43339-88004

EXAMINER

QM12/0828

HOTALING, J

KELLY K BURRIS
GREENSFELDER HEMKER & GALE P C
10 SOUTH BROADWAY
SUITE 2000
ST LOUIS MO 63102-1774

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/617,388

Applicant(s)

SPROUT ET AL.

Examiner

John M Hotaling II

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/17/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

Art Unit: 3713

DETAILED ACTION

Claim Objections

1. Claim 8 objected to because of the following informalities: Claim 8 seems to be a copy of claim 1 with additional limitations. However, when copying claim 1 it seem that "1." Was inadvertently left in the first line of claim 8. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman US Patent 5,682,196 in view of Park US Patent 5,695,406 and Von Kohorn US Patent 5,916,024. Freeman discloses all the instant application with respect to the virtual reality and network applications. Column 2 lines 3-35 discloses a combination of technologies to create a synergistic effect to enhance the viewers' involvement in the presentation beyond the independent benefits of 3D imaging and interactivity. Column 5 lines 14-28 discloses the use of any three dimensional video imaging technique. Column 15 lines 9-21 disclose a hand-held input means. Column 16 lines 42-50 discloses that while the preferred embodiment of the invention is in a interactive movie theater the interactive presentation can be transmitted in a number of alternative

Art Unit: 3713

embodiments to include digital and analog formats. Freeman lacks in disclosing the devices that are associated with a performer. Instead Freeman discloses in column 2 lines 52-62 that the educational and entertainment value of almost any presentation is greatly enhanced if the viewer can physically interact with the presentation. That the user's interaction with the presentation is maximized by combining 3D video, physical interactivity and personalized audio feedback. By making the viewer feel more involved, the viewer's interest, enjoyment, and/or learning are all increased. Consequently, the combination of three dimensional video and interactive technologies in such a manner creates a unique system allowing group presentations to appeal individually to each viewer. In an analogous invention to Park an immersive cyberspace system which uses a chair is disclosed which provides enhanced image and sound and user integration into the game system. In an analogous invention to Von Kohorn discloses an interactive method of playing games using transmission by electronic media which has a "host" which includes on and off stage announcer, master of ceremonies, program director, guest host and celebrities and any other individual associated with the program and assigned to carry out activities as disclosed in column 18 lines 55-65. While Von Kohorn is directed to the use of multimedia (radio, TV, etc) the reference is used in the rejection for the teaching that a host can indeed have input to the game system. Column 19 lines 25-35 disclose that a host may enter commands using a microphone or an input device. One of ordinary skill in the art would understand the combination of the above reference using the motivation disclosed in Freeman column 2 lines 52-62 that the educational and entertainment value of almost any presentation is greatly

Art Unit: 3713

enhanced if the viewer can physically interact with the presentation. That the users interaction with the presentation is maximized by combining 3D video, physical interactivity and personalized audio feedback. By making the viewer feel more involved, the viewer's interest, enjoyment, and/or learning are all increased. It is notoriously well known in the art and disclosed by Freeman that multiple persons can interact over a network utilizing a virtual reality environment.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith '100 discloses a virtual reality game

Yamamoto '337 discloses a communication system

Cox '723 discloses a VR 3D interface system for data creation

Schaaij '640 discloses a computerized gaming apparatus

Levasseur '927 discloses an electronic competition system

Eilat '974 discloses and interactive game system

Rider et al '982 discloses a motion picture interactive gaming system

Forrest et al '075 discloses an interactive multi-media game

Trumbull et al '228 discloses an interactive computer entertainment system

Kostreski et al '898 discloses interactive services and digital video

Mezzi et al '352 discloses immersive video

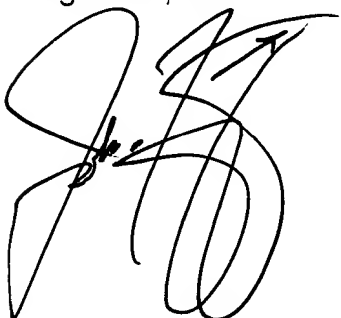
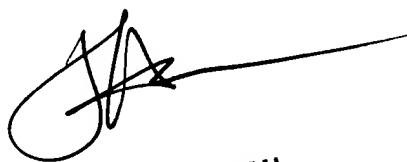
Art Unit: 3713

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7768 for regular communications and 703 308-7769 for After Final communications.

John M Hotaling II
August 21, 2001

A large, stylized handwritten signature in black ink, likely belonging to John M Hotaling II.A handwritten signature in black ink, likely belonging to Jessica J. Harrison.
**JESSICA J. HARRISON
PRIMARY EXAMINER**